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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,862	08/04/2003	Masanori Fujimoto	02530027AA	4648
30743	7590	09/11/2008	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			HAIDER, FAWAAD	
			ART UNIT	PAPER NUMBER
			3627	
			MAIL DATE	DELIVERY MODE
			09/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,862	FUJIMOTO, MASANORI	
	Examiner	Art Unit	
	FAWAAD HAIDER	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 June 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,5,6 and 9 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,5,6 and 9 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 04 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/4/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 5, 6, and 9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wilson (2001/0020198) in view of Kazumi (JP 10-324398).

Re Claim 1: Wilson discloses a display associated with said POS terminal wherein said display presenting a plurality of fixed amount selections for fuel by the customer (See Abstract and [0003, 0010, 0074, 0121, 0192]). Wilson discloses selecting, with the POS terminal, a fixed amount for items and option items to be purchased, each option item being associated with an option item amount (see [0003, 0053-0057, 0192], Figure 1, Figure 5). Wilson discloses a display associated with said POS terminal said display presenting one or more option items which can be bought (See [0003, 0053-0057, 0086, 0192]). Wilson discloses wherein said display only displays said option items which can be bought for less than said fixed amount (See [0003, 0053-0057, 0086, 0121, 0192]). Finally, Wilson also discloses said POS terminal

permitting fueling at said gasoline stand in an amount equal to said balance amount (See [0085]).

However, Wilson fails to disclose a difference. Kazumi discloses a difference between said one fixed amount selection and any option item amounts for option items to be purchased (See Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wilson's invention with Kazumi's disclosure of deducting from a fixed amount in order to "deal efficiently without degrading customer service when a purchasing amount of liquid to be sold at a predetermined quantity unit is specified in an amount of money (See Abstract)."

Re Claims 5 and 9: Wilson discloses wherein the POS terminal issues an option item ticket for said option items purchased and a sales receipt (See [0066]).

Re Claim 6: Wilson discloses wherein said option item ticket includes a bar code (See [0067, 0094]).

Response to Arguments

3. Applicant's arguments filed 6/5/2008 have been fully considered but they are not persuasive. The applicant argues that neither Wilson nor Kazumi disclose a difference between said one fixed amount selection and any option item amounts for option items to be purchased. Kazumi discloses that "the saved amount of money of this customer is updated to be the difference between the sold amount of money for gasoline actually refueled and the total of the saved amount of money of this customer and the amount of money specified by this customer (see Abstract)." Then in [0053], Wilson discloses "the fueling and retail environment provides customers the opportunity to purchase fuel for

their vehicles as well as other goods and services, such as fast food and car washes."

In [01210, Wilson discloses that "the control system may monitor the transponder value to determine whether that value is less than or equal to a predefined value," where the predefined value is interchangeable with a fixed amount.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/
Examiner
Art Unit 3627

FIH

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627